



AF/1600
PATENT

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants: Schwartz *et al.*

Serial No: 09/995,475

Filed: November 28, 2001

For: Genetically Engineered Herpes
Virus for the Treatment of
Cardiovascular Disease

Group Art Unit: 1648

Examiner: Ali Reza Salimi

) I hereby certify that this paper is being
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) December 15, 2003

) Thomas J. Wrona, Ph.D.

) Reg. No. 44,410

) Attorney for Applicants

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NOTICE OF APPEAL

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Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the examiner dated July 15, 2003, rejecting claims 1, 5-14, and 34-50. This Notice is timely filed because a Petition under 37 C.F.R. § 1.136(a) for a two-month extension of time and appropriate fee are filed herewith.

Please charge our Deposit Account No. 13-2855 in the amount of \$165 to cover the fee required under 37 CFR 1.17(b). A copy of this Notice is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun LLP at the address below.

Respectfully submitted,

12/22/2003 MDANTE1 00000122 132855 09995475
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MARSHALL, GERSTEIN & BORUN LLP
233 South Wacker Dr., Suite 6300
Chicago, Illinois 60606-6357
(312) 474-6300

By:

Thomas J. Wrona, Ph.D., Reg. No: 44,410

December 15, 2003